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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

FRANCIS SHANE, MICHAEL WILBON,
JOHNNY HOUSTON, SHAWN THOMAS,
YAHTEK JOHNSON, RONELLE ANTHONY,

Defendants.

No. 23-CR-52 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Presently before the Court is Defendant Shane's Motion to Dismiss Count 7 of the Indictment, which Defendants Wilbon and Thomas have joined. On November 3, 2023, the Court ordered the parties to advise as to whether it seeks for the Court to wait to decide the motion to dismiss pending the resolution of two cases before the Second Circuit: *United States v. Hussain (Barrett)*, 21-1379 and *Harris v. United States*, 21-2636. On December 1, 2023, the Second Circuit issued a summary order in *Harris v. United States*, 21-2636, affirming the order of the district court. It did not, however, address the issues raised in the motion to dismiss. On the same day, Defendants Shane, Wilbon, Thomas, and Johnson urged the Court to wait to resolve the motion to dismiss pending the resolution of *United States v. Hussain (Barrett)*, 21-1379.

Trial is currently scheduled to begin on May 6, 2024. Defendants Houston and Anthony are hereby ordered to advise the Court by Friday, December 22, 2023 whether they still wish to proceed to trial on that date if the trial of Defendants Shane, Wilbon, Thomas, and Johnson is adjourned pending the Second Circuit's resolution of *United States v. Hussain (Barrett)*, 21-1379.

SO ORDERED.

Dated: December 5, 2023
New York, New York



Ronnie Abrams
United States District Judge